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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/551,787
Applicant : Daniel GIBILINI
Filed : January 5, 2006
TC/A.U. : 2851
Examiner :

Docket No. : 2937-130
Customer No.: 6449
Confirmation No.: 3531

SUBMISSION OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Submitted herewith is a copy of the translation of the International Preliminary Examination Report.

In the event that any fees are due with this paper, please charge our Deposit Account No. 02-2135.

Respectfully submitted,

By

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RBM/cb

TRAITÉ DE COOPÉRATION EN MATIÈRE DE BREVETS

PCT

RAPPORT PRÉLIMINAIRE INTERNATIONAL SUR LA BREVETABILITÉ (chapitre I du Traité de coopération en matière de brevets)

(règle 44bis du PCT)

Référence du dossier du déposant ou du mandataire 20599PC SYL 8	POUR SUITE À DONNER		Voir le point 4 ci-dessous
Demande internationale no. PCT/FR2004/000839	Date du dépôt international (<i>jour/mois/année</i>) 02 Avril 2004 (02.04.2004)	Date de priorité (<i>jour/mois/année</i>) 02 Avril 2003 (02.04.2003)	
Classification internationale des brevets (8 ^e édition, sauf indication d'une #dition ant#rieure) Voir les informations pertinentes dans le formulaire PCT/ISA/237			
Déposant SYNELEC TELECOM MULTIMEDIA			

1.	Le présent rapport préliminaire international sur la brevetabilité (chapitre I) est établi par le Bureau international au nom de l'administration chargée de la recherche internationale selon la règle 44bis.1.a).																								
2.	Ce RAPPORT comprend un total de 5 feuilles, y compris la présente feuille de couverture. Dans les feuilles jointes, toute référence à l'opinion écrite de l'administration chargée de la recherche internationale doit être entendue, à la place, comme une référence au rapport préliminaire international sur la brevetabilité (chapitre I).																								
3.	Le présent rapport contient des indications relatives aux points suivants : <table style="width: 100%; margin-top: 10px;"> <tr> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 30%;">Cadre n° I</td> <td>Base de l'opinion</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Cadre n° II</td> <td>Priorité</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Cadre n° III</td> <td>Absence de formulation d'opinion quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Cadre n° IV</td> <td>Absence d'unité de l'invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Cadre n° V</td> <td>Déclaration motivée selon l'article 35.2) quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle; citations et explications à l'appui de cette déclaration</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Cadre n° VI</td> <td>Certains documents cités</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Cadre n° VII</td> <td>Certaines irrégularités relevées dans la demande internationale</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Cadre n° VIII</td> <td>Certaines observations relatives à la demande internationale</td> </tr> </table>	<input checked="" type="checkbox"/>	Cadre n° I	Base de l'opinion	<input type="checkbox"/>	Cadre n° II	Priorité	<input type="checkbox"/>	Cadre n° III	Absence de formulation d'opinion quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle	<input type="checkbox"/>	Cadre n° IV	Absence d'unité de l'invention	<input checked="" type="checkbox"/>	Cadre n° V	Déclaration motivée selon l'article 35.2) quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle; citations et explications à l'appui de cette déclaration	<input type="checkbox"/>	Cadre n° VI	Certains documents cités	<input type="checkbox"/>	Cadre n° VII	Certaines irrégularités relevées dans la demande internationale	<input type="checkbox"/>	Cadre n° VIII	Certaines observations relatives à la demande internationale
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4.	Le Bureau international communiquera le présent rapport aux offices désignés conformément aux règles 44bis.3.c) et 93bis.1 mais pas avant l'expiration du délai de 30 mois à compter de la date de priorité (règle 44bis.2), sauf si le déposant a présenté une requête expresse à cet égard en vertu de l'article 23.2).																								

Bureau international de l'OMPI 34, chemin des Colombettes 1211 Geneva 20, Switzerland no de télécopieur +41 22 740 14 35	<table style="width: 100%;"> <tr> <td style="width: 50%;"> Date d'établissement du présent rapport 02 March 2006 (02.03.2006) </td> <td style="width: 50%;"> Fonctionnaire autorisé <div style="text-align: center; font-weight: bold;">Beate Giffo-Schmitt</div> </td> </tr> <tr> <td colspan="2" style="padding-top: 10px;"> no de téléphone : +41 22 338 87 20 </td> </tr> </table>	Date d'établissement du présent rapport 02 March 2006 (02.03.2006)	Fonctionnaire autorisé <div style="text-align: center; font-weight: bold;">Beate Giffo-Schmitt</div>	no de téléphone : +41 22 338 87 20	
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no de téléphone : +41 22 338 87 20					

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

Translation

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing
(day/month/year)

Applicant's or agent's file reference

20599PC SYL 8

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/FR2004/000839

International filing date (day/month/year)

02.04.2004

Priority date (day/month/year)

02.04.2003

International Patent Classification (IPC) or both national classification and IPC

Applicant

SYNELEC TELECOM MULTIMEDIA

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/FR2004/000839

Box No. 1

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/FR2004/000839

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

I. Statement

Novelty (N)	Claims		YES
	Claims	1-4, 8-10, 14, 16-19, 25-26	NO
Inventive step (IS)	Claims	15	YES
	Claims	5-7, 11-13, 20-24	NO
Industrial applicability (IA)	Claims	1-26	YES
	Claims		NO

2. Citations and explanations:

1. The investigation was based on the original documents of the application as it was filed.

The present notification makes reference to the following documents in the research report:

D1: US 4 432 010 A
D2: US 2 928 131 A
D3: EP 0 775 935 A
D4: US 5 889 612 A
D5: US 2001/050811 A
D6: EP 0 752 613 A
D7: US 4 566 756 A

2. Document **D1** (figures 1, 9) discloses a screen comprising, in this order:

i. a diffuser (21) presenting a spread radiance diagram;

ii. a support presenting an entry surface (22) with cylindrical focusing elements parallel to the large axis of the radiance diagram of the diffuser;

iii. the support presenting in addition an opaque layer (24) with openings (23) for allowing focused light to pass by the cylindrical elements (figure 12).

Consequently, the present application fails to comply with the requirements of PCT Article 33(1) since the subject matter of claim 1 does not meet the requirements of novelty defined in PCT Article 33(2).

3. Document **D1** also discloses a Fresnel lens (6) according to **claims 14 and 25**, with the active surface oriented towards

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/FR2004/000839

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

the diffuser with spread diagram (21) (see column 1, lines 14-15 and column 3, lines 50-63), as well as an additional conical and surface diffuser, formed on the entry surface of the Fresnel lens (see column 12, lines 16-34) according to each one of claims **8, 9 and 16**.

Furthermore, it is clear that the screen in **D1** presents features of diffusion, transparence and resolution that fall within the fields such as specified in **claims 2-4, 10, 17-19 and 26**.

4. A surface diffuser with a spread diagram is known from each one of documents **D2-D4**, **D4** also disclosing a holographic diffuser. Since **D1** indicates that the diffuser does not need to be necessarily be lenticular (see column 3, lines 55-59) it would be obvious to replace the diffuser in **D1** with one of the diffusers described by **D2-D4**. Consequently, **claims 5-7** are not inventive, PCT Article 33(3).

5. The other claims **11-13 and 20-24** define features well known in prior art.

6. A screen according to claim 1 and comprising also a Fresnel lens having its active surface oriented towards the diffuser and lenticular elements on the surface opposite to the active surface, as recited by **claim 15**, does not appear to be suggested by any of the available documents.